IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9172 of 2005

Between:

Koduru Prabhakar Reddy, S/o. Sndara Rami Reddy,
R/o. Mudivarthi Vill, Vidavalur Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore-cum Election Authority - Under A.P. Farmers Management of Irrigation Systems Act, 1997.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Vidavalur-cum-Election Officer, Mudivarthi Bit-I Water Users Association, Mudivarthi, Vidavaluru Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, writ or direction more particularly in the nature of writ of Mandamus Under Article 226 of the Constitution of India declaring the action of 1st respondent in not considering the appeals dt. 14.2.2005 submitted by the petitioner for the deletion of the ineligible voters and inclusion of the eligible voters and the action of the 3rd respondent in seeking to hold elections for Mudivarthi Bit-I Water Users Association with the defective voters list as illegal, arbitrary, unjust and violative of the provisions of A.P. Farmers Management Irrigation System Act, 1997 and Rules made thereunder and consequently direct the respondents to delete the ineligible voters and include the eligible voters before holding the elections and pass such order are orders.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Petitioner seeks declaration that the action of the respondents in holding elections for the Mudivarthi village Water Users Association on 25.4.2005, pending his appeal, as illegal and arbitrary and contrary to the A.P. Farmers' Management of Irrigation Systems (Delineation and formation of Water Users Associations) Rules, 2003.

As seen from the record, the voters' list was published on
4-4-2005 and that the petitioner filed his objections before the District Collector on 15.4.2005 i.e. beyond seven days. But, as prescribed under the amended Rule 10 of the Rules, the appeal has to be filed within seven days from the date of publishing the voters' list, raising any objections.

Since the petitioner has not preferred his appeal within the time limit, prescribed under the Rules, question of considering the objections raised by the petitioner does not arise. Therefore, the writ petition is dismissed at the stage of admission. However, this order of dismissal does not preclude the petitioner to question the validity of the voters' list.

21-04-2005

To

1 The District Collector, Nellore-cum Election Authority - Under A.P. Farmers Management of Irrigation Systems Act, 1997.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Vidavalur-cum-Election Officer, Mudivarthi Bit-I Water Users Association, Mudivarthi, Vidavaluru Mandal, Nellore District.

4 Two CCs to GP FOR IRRIGATION & COMM AREA DEV. High Court buildings, Hyderabad.

5 Two CD copies.